

**LAW OFFICES
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**THOMAS TORTO
MEMBER N.Y. AND FLA. BAR**

**JASON LEVINE
JEREMY M. WEG**

May 11, 2017

VIA ECF

Hon. LaShann DeArcy Hall
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Bhutta v. Vanchoc Transport Inc.
Civil Action No. 15-cv-3333 (LDH)(RML)

Dear Judge DeArcy Hall:

As the attorney for defendant Vanchoc Transport Inc. d/b/a VTI Transport ("Vanchoc") in this action, and pursuant to Your Honor's direction during this afternoon's pre-motion conference, I respectfully submit the annexed notice of motion for summary judgment dismissing the complaint.

Thank you for your attention.

Respectfully,



THOMAS TORTO

cc: Borrelli & Associates, PLLC (via ECF)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK


-----X	:	
OMAR BHUTTA, on behalf of himself,	:	
individually, and on behalf of all others	:	NOTICE OF MOTION FOR
similarly situated,	:	SUMMARY JUDGMENT
	:	<u>DISMISSING THE COMPLAINT</u>
Plaintiff,	:	
	:	Docket No. 15-CV-3333 (LDH)(RML)
- against -	:	
	:	
VANCHOC TRANSPORT INC.,	:	
d/b/a VTI TRANSPORT,	:	
	:	
Defendant.	:	
-----X	:	

PLEASE TAKE NOTICE that upon the parties' respective pre-motion submissions and the exhibits annexed thereto; and the parties' respective Amended Local Rule 56.1 Statements and the exhibits annexed thereto; and pursuant to the direction of Hon. LaShann DeArcy Hall during the parties' pre-motion conference on May 11, 2017, Defendant Vanchoc Transport Inc., d/b/a VTI Transport ("Vanchoc") will move before the Hon. LaShann DeArcy Hall at the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, New York 11201 for an Order:

(1) pursuant to FRCP 56 granting defendant Vanchoc summary judgment dismissing the plaintiff's complaint upon the grounds that there are no questions of fact, and that as a matter of law, Vanchoc is entitled to dismissal of the complaint; and

(2) awarding such other and further relief as the Court deems just and proper.

Dated: New York, New York
May 11, 2017



THOMAS TORTO (TT 9747)
Attorney for Defendant
419 Park Avenue South
New York, New York 10016
(212) 532-5881

TO: BORRELLI & ASSOCIATES, PLLC
Attorneys for Plaintiff
1010 Northern Boulevard, Suite 328
Great Neck, New York 11021
(516) 248-5550

AFFIRMATION OF SERVICE

THOMAS TORTO affirms under penalty of perjury:

1. I am an attorney admitted to practice in the Courts of New York State; am not a party to this action and maintain an office at 419 Park Avenue South, New York, New York 10016.

2. On May 11, 2017, I sent electronically to all E-Mail Addresses of Record posted on the electronic filing system in this electronically-filed action, the attached Notice of Motion for Summary Judgment Dismissing the Complaint, by uploading the aforementioned document to the court's electronic filing system.

3. The party served were as follows:

BORRELLI & ASSOCIATES, PLLC
Attorneys for Plaintiff
1010 Northern Boulevard, Suite 328
Great Neck, New York 11021
(516) 248-5550

Dated: New York, New York
May 11, 2017



THOMAS TORTO

15-CV-3333 (LDH)(RML)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

OMAR BHUTTA, on behalf of himself,
individually, and on behalf of all others
similarly situated,

Plaintiff,

- against -

VANCHOC TRANSPORT INC.,
d/b/a VTI TRANSPORT,

Defendant.

**NOTICE OF MOTION FOR SUMMARY
JUDGMENT DISMISSING THE COMPLAINT**

THOMAS TORTO (9747)
Attorney for Defendant
419 Park Avenue South
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(212) 532-5881